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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,840	10/29/2003	Takayuki Yajima	848075-0059	7845
29619	7590	03/07/2006	EXAMINER	
SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022			SABOURI, MAZDA	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/695,840	<b>Applicant(s)</b> YAJIMA, TAKAYUKI	
	<b>Examiner</b> Mazda Sabouri	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 1 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 7 objected to because of the following informalities: Line 13 of claim 1 and lines 18-19 of claim recite the expression "which are opposed each other". This is grammatically incorrect. Examiner recommends changing expression to -which are opposed to each other-. Lines 15-17 of claim 1 and lines 21-23 of both claims contain sentences that are unclear. Examiner recommends replacing the word "except" with -but operative in-. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 and 13-14 rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0061770 (Ozaki) in view of US 2000/6094565 (Alberth et al.) and further in view of US 2005/6449492 (Kenagy et al.).

4. As to claim 1, Ozaki teaches a portable terminal comprising a first housing having a main operating section (see Ozaki, figure 4, element 5) and a second housing having a display section (see Ozaki, figure 4, element 3). The housings are openly coupled together so that the main operating section is covered in the closed state and exposed in the open state. The display section is exposed in both the open and closed states. There is an auxiliary operation section (see Ozaki, figure 4, element 8) having

keys on a surface of the second housing other than the surfaces opposing each other (see Ozaki, paragraphs 21-34). What are lacking are an auxiliary operation section on the first housing, and the auxiliary section being inoperative in the opened state. Alberth teaches an auxiliary operation section on the first housing (having the main operating section) (see Alberth, column 3, lines 46-62). The motivation for using Alberth's teaching can be found in Ozaki. Ozaki teaches that the function of the auxiliary operation section is limited by the amount of space available for the auxiliary keys (see Ozaki, paragraph 33). The teachings of Alberth help to alleviate this problem. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Alberth into those of Ozaki for the reasons mentioned above. What is lacking from Ozaki in view of Alberth is the deactivation of the auxiliary keys when the device is open. Kenagy teaches a portable terminal that is configured to enable and disable keys based on predetermined parameters stored in the terminal's memory (see Kenagy, claim 1). The teachings of Kenagy can be applied to the device of Ozaki in view of Alberth in such a way as to disable the auxiliary keys when the device is open. The motivation for doing this can be found in Ozaki, Alberth and Kenagy. Ozaki teaches that the auxiliary keys on the second housing (see Ozaki, figure 4, element 8) are meant to be used when the device is closed (see Ozaki, paragraph 33). Alberth teaches that the auxiliary keys on the first housing are meant to be used (primarily used) when the device is closed (see Alberth, column 3, lines 46-62). Kenagy teaches that keys may be inadvertently pressed when kept in an active state (see Kenagy, column 1, lines 45-63). The teachings of Kenagy can help prevent

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inadvertent activation of the auxiliary keys when they are not needed (when the device is open). It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Kenagy into those of Ozaki in view of Alberth, for the reasons mentioned above.

5. As to claim 7, Ozaki teaches a portable terminal comprising a first housing having a main operating section (see Ozaki, figure 4, element 5) and a second housing (see Ozaki, figure 4, element 1) superimposed on the first housing. The housings are coupled together around an axis so that the main operating section is covered in the closed state and exposed in the open state. The open state is rotated 180 degrees from the closed state. There is an auxiliary operation section (see Ozaki, figure 4, element 8) having keys on a surface of the second housing other than the surfaces opposing each other (see Ozaki, paragraphs 21-34 and figures 3-6). What are lacking are an auxiliary operation section on the first housing, and the auxiliary section being inoperative in the opened state. Alberth teaches an auxiliary operation section on the first housing (having the main operating section) (see Alberth, column 3, lines 46-62). The motivation for using Alberth's teaching can be found in Ozaki. Ozaki teaches that the function of the auxiliary operation section is limited by the amount of space available for the auxiliary keys (see Ozaki, paragraph 33). The teachings of Alberth help to alleviate this problem. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Alberth into those of Ozaki for the reasons mentioned above. What is lacking from Ozaki in view of Alberth is the deactivation of the auxiliary keys when the device is open. Kenagy teaches a portable

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terminal that is configured to enable and disable keys based on predetermined parameters stored in the terminals memory (see Kenagy, claim 1). The teachings of Kenagy can be applied to the device of Ozaki in view of Alberth in such a way as to disable the auxiliary keys when the device is open. The motivation for doing this can be found in Ozaki, Alberth and Kenagy. Ozaki teaches that the auxiliary keys on the second housing (see Ozaki, figure 4, element 8) are meant to be used when the device is closed (see Ozaki, paragraph 33). Alberth teaches that the auxiliary keys on the first housing are meant to be used (primarily used) when the device is closed (see Alberth, column 3, lines 46-62). Kenagy teaches that keys may be inadvertently pressed when kept in an active state (see Kenagy, column 1, lines 45-63). The teachings of Kenagy can help prevent inadvertent activation of the auxiliary keys when they are not needed (when the device is open). It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Kenagy into those of Ozaki in view of Alberth, for the reasons mentioned above.

6. As to claims 2 and 8, Kenagy further teaches a lock control section for rendering keys operative or inoperative (see Kenagy, claim 1). Note that the teachings of Kenagy are further details to the teachings of Kenagy already incorporating into the teachings of Ozaki in view of Alberth in the rejection of claims 1 and 7. What is lacking is a state detecting section for detecting the open/closed state of the device. Alberth teaches a state detecting section (see Alberth, column 5, lines 20-22). The motivation for using this teaching can be found in Ozaki. Ozaki teaches that the main operating keys are meant to be used when the device is open, and the auxiliary keys are meant to be used

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when the device is closed (see Ozaki, paragraphs 32-37). Having the state detecting section helps to enable and disable keys (as recited in the rejection of claims 1 and 7) during the opened and closed states. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to include new teachings of Alberth in those of Ozaki in view of Alberth and further in view of Kenagy.

7. As to claims 3,4,9 and 10, in the rejection of claim 1 and 7 it is taught that the auxiliary keys are inoperable when the terminal is in an open state and operable when the terminal is in a closed state. It is inherent by design that both housings would be in a closed state when the device is closed. It is also inherent that both housings would be in an open state when the device is open (see Ozaki, figures 3-6).

8. As to claims 5 and 13, Ozaki further teaches that the device is a mobile radiotelephone (see Ozaki, paragraph 38).

9. As to claims 6 and 14, Ozaki further teaches that the device is a personal digital assistant (see Ozaki, paragraph 38).

10. As to claim 11, Ozaki further teaches that the second housing has a display section faced in the same direction as the direction of the surface having the main operation section (see Ozaki, figures 3-6).

11. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0061770 (Ozaki) in view of US 2000/6094565 (Alberth et al.) and further in view of US 2005/6449492 (Kenagy et al.) as applied to claim 7 above, and further in view of US 1996/5493690 (Shimazaki). Alberth further teaches that the auxiliary keys of first housing (cited in the rejection of claim 7) are located on a side surface (see Alberth,

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column 3, lines 46-62). What is lacking are auxiliary side keys on the second housing (having the display). Shimazaki teaches auxiliary side keys on the second housing (having the display) (see Shimazaki, figures 1 and 2). The motivation for using Shimazaki's teaching can be found in Ozaki. Ozaki teaches that the function of the auxiliary operation section is limited by the amount of space available for the auxiliary keys (see Ozaki, paragraph 33). The teachings of Shimazaki help to alleviate this problem. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Shimazaki into those of Ozaki in view of Alberth and further in view of Kenagy, for the reasons mentioned above.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 1995/5442814 (Seo) teaches a cellular telephone facilitating a response holding state. US 2002/6389267 (Imai) teaches a folded type portable radion communication apparatus with functionality. US 2002/6370362 (Hansen et al.) teaches a slide cover for a communication unit. US 2002/0137551 (Toba) teaches a mobile communication terminal with external display unit. US 2002/6434404 (Claxton et al.) teaches detection of flip closure state of a flip phone. US 2003/6549789 (Kfoury) teaches a portable electronic device with an adaptable user interface.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mazda Sabouri whose telephone number is 571-272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**

Mazda Sabouri  
Examiner  
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